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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,121	01/23/2001	Frank O. Distler	BUR920000123USI	3330
34313	7590	08/16/2004	EXAMINER	
ORRICK, HERRINGTON & SUTCLIFFE, LLP			CHAUDRY, MUJTABA M	
4 PARK PLAZA			ART UNIT	PAPER NUMBER
SUITE 1600				
IRVINE, CA 92614-2558			2133	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/768,121	DISTLER ET AL.
	Examiner	Art Unit
	Mujtaba K Chaudry	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 May 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Response to Amendment*

Applicants' arguments/amendments with respect to amended claims 1, 4, 5, 13-15, 17 and 20, and previously present claims 2-3, 6-12, 16 and 18-19 filed May 04, 2004 have been fully considered but are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

Applicants contend, "...neither Rajska nor Rohrbaugh (prior arts of record) teach filling don't care bits with repeated values..." The Examiner disagrees. Rohrbaugh teaches (col. 2, line 53—col. 3, lines 1-18) a first test vector is generated to test for a given fault in a list of faults to be tested (just like the first test vector generated in static compaction). However, before generating a second test vector, an attempt is made to utilize the first test vector to test for additional faults. In this regard, **the unused bit positions (i.e., don't care values) may be set to either "1"s or "0"s**, or existing bit positions may be utilized, to the extent that the values need not be changed. A fully compacted test vector is one wherein (i) no PI is at X (don't care), or (ii) no new faults may be detected by making any X value a 0 or a 1. Rohrbaugh teaches that, ideally, dynamic compaction operates to generate a fully compacted test vector before proceeding to the generation of the next test vector. However, in practice, this is usually not the result. Instead, most dynamic compaction algorithms generate what may be termed "substantially compacted" test vectors. As is known, the degree to which a test vector may be

compacted will necessarily depend upon the model for the DUT, as well as the particular vectors that are necessary to generate the needed fault tests. Further, after a certain level of compaction has been obtained, further compaction is extremely computationally intensive and thus time consuming. Therefore, once a certain level of compaction has been obtained, the vector is often deemed substantially compacted, and no further compaction is attempted. Instead, the don't care bit positions of the substantially compacted vector are random filled (with 1s and 0s) and fault simulated, and a new test vector is generated. Therefore, the Examiner would like to point out that Rohrbaugh teaches to first fill the don't care values with a repeated value to obtain a “substantially compacted” test vector and only then use random filling. Therefore, the technique and limitation of “filling said non-care bits with a repeated value...” is indeed taught by Rohrbaugh. Furthermore, the Examiner would like to point out that Rajska alludes to (col. 7, lines 40-45) the concept of continuous flow decompression described herein rests on the fact noted above that **deterministic test patterns typically have only between 2 to 5 % of bits deterministically specified**, with the remaining bits randomly filled during test pattern generation.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicants argue, “the background vectors maybe all 0s, all 1s or a random distribution of 0s and 1s because the background vectors are utilized to set don't care bits of the original test vectors with repeated values... (specification, page 5, lines 1-8))) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicants contend, "the XOR function in the present invention is conducted to generate repetitive patterns in differential vector data sets... (specification, page 5, lines 5-10))) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### ***Claim Rejections - 35 USC § 103***

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajsiki et al. (USPN 6327687) in view of Rohrbaugh et al. (USPN 6067651). See office action, paper No. 8.

The Examiner disagrees with the Applicants and maintains rejections with respect to amended claims 1, 4, 5, 13-15, 17 and 20, and previously present claims 2-3, 6-12, 16 and 18-19 filed May 04, 2004. All arguments have been considered. It is the Examiner's conclusion that amended claims 1, 4, 5, 13-15, 17 and 20, and previously present claims 2-3, 6-12, 16 and 18-19 are not patentably distinct or non-obvious over the prior art of record. See office action, paper No. 8.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicants are invited to read/review additional pertinent prior art that has been cited herein.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiries concerning this communication should be directed to the examiner, Mujtaba Chaudry who may be reached at 703-305-7755. The examiner may normally be reached Mon – Thur 7:30 am to 4:30 pm and every other Fri 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Albert DeCady at 703-305-9595. The fax phone number for the organization where this application is assigned is 703-746-7239.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist at 703-305-3900.

  
Mujtaba Chaudry  
Art Unit 2133  
August 3, 2004

  
ALBERT DECADY  
EXAMINER